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SERVICE DATE – APRIL 3, 2018

SURFACE TRANSPORTATION BOARD

Docket No. AB 55 (Sub-No. 777X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN FULTON
COUNTY, GA.

Decided: April 2, 2018

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 4.40-mile rail line, referred to as the A&WP Subdivision in its Southern Region, Atlanta Division, Atlanta Terminal between milepost XXC 0.0, which begins at the switch to the Norfolk Southern, Oakland Junction near the Ormewood Station, and ends at milepost XXC 4.4 near Glenwood Ave. SE, in the City of Atlanta, Fulton County, Ga. (the Line). Notice of the exemption was served and published in the Federal Register on January 9, 2018 (83 Fed. Reg. 1,093). The exemption became effective on February 8, 2018.

By decision served on February 6, 2018, the Board imposed a historic preservation condition requiring CSXT to: (a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project's right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed, (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the Georgia State Historic Preservation Office (SHPO) and the public, and (c) not file its consummation notice or initiate any salvage activities related to the abandonment (including the removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

In a Supplemental Final Environmental Assessment dated March 23, 2018, OEA states that the Georgia SHPO commented in its January 24, 2018 letter that the proposed abandonment would not adversely affect historic properties within the Area of Potential Effect if the railroad voluntarily added restrictions on the sale of the property to allow the SHPO to review any future projects that may adversely affect the Line. OEA further states that, in a letter dated February 26, 2018, the SHPO confirmed that the voluntary condition had been met and confirmed its no adverse effect determination. Accordingly, OEA has determined that CSXT's proposed abandonment would have no effect on historic properties listed in or eligible for inclusion in the National Register of Historic Places. OEA concludes that the Board has satisfied its responsibilities under Section 106 of the NHPA and therefore recommends that the Board remove the Section 106 condition.

Consistent with OEA's recommendation, the proceeding will be reopened, and the previously-imposed Section 106 historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The Section 106 historic preservation condition imposed in the February 6, 2018 decision is removed.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.